

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE HEARTLAND PAYMENT
SYSTEMS, INC. DATA SECURITY
BREACH LITIGATION

CIVIL ACTION NO. H-09-MD-02046

THIS DOCUMENT RELATES TO:
FINANCIAL INSTITUTION TRACK
ACTIONS

**DEFENDANT HEARTLAND PAYMENT SYSTEMS, INC.'S MOTION TO DISMISS
THE FINANCIAL INSTITUTIONS' MASTER COMPLAINT**

Defendant Heartland Payment Systems, Inc. ("Heartland") respectfully moves that the Court dismiss the Master Complaint in the Financial Institution Track pursuant to Fed. R. Civ. P. 12(b)(6), for the reasons set forth in the accompanying Memorandum of Law filed herewith.

WHEREFORE, Heartland respectfully requests that this Court enter an order dismissing the Financial Institution Track action in its entirety.

Respectfully submitted,

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Attorneys for Heartland Payment Systems, Inc.

Dated: October 23, 2009

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 23rd day of October 2009 with a copy of this document via the Court's CM/ECF system per the Local Rules.

/s/ Neal S. Manne

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